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10/790,473	03/01/2004	Mark R. Bunker	SBCK 0101 PUS (SW 1001)	9933
22045	7590	07/14/2006	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			DEANE JR, WILLIAM J	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/790,473

Filing Date: March 01, 2004

Appellant(s): BUNKER, MARK R.

James N. Kallis
Brooks Kushman P.C.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 03/27/2006 appealing from the Office action mailed 12/30/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

None

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

U.S. Patent Application No. 2002/0167946 (Gallant).

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0167946 (Gallant).

With respect to claims 1, 12 and Gallant teaches a system for restricting telephone calls from a facility having a facility phone (see paragraph 0011), a switching office (Fig. 1), a destination phone (Fig. 1), note that the call is disabled (Abstract Figs. 3A and 3B), note that the call is disabled based on the facility (paragraph 0058, 0089 – 0092, 0096 – 0097, 0108 and Figs. 6 – 8. Though not explicitly saying serial, such is believed to be inherent. If not, such would be obvious to one of ordinary skill in the art as connecting devices in serial or parallel is old and well known in the art.

With respect to claims 2, 13 and though three-way calling is not mentioned, it would have been obvious to one of ordinary skill in the art to have included three-way calling as such would only entail including or substituting one well-known feature for another.

With respect to claims 3 and 14, note Abstract.

With respect to claims 4 and 15, such is obvious in view of the above.

With respect to claims 5 – 6, 16 and 17, note paragraphs 0027 – 0028.

With respect to claims 7 – 9, 18 – 20, in light of Gallant, it would have been obvious to use 1 or 2 control signal depending on where the proxy server and or location server is placed. With respect to a processor, note Fig. 9

With respect to claims 10 and 21, note Fig. 6

With respect to claims 11 and 22, note paragraph 0011.

With respect to claims 23 – 24, such is obvious in view of the above and a fair reading of Gallant.

(10) Response to Argument

Applicant's arguments have been fully considered but are not deemed persuasive to any error in the rejection above.

Applicant's main and really only argument is that the disabling in Gallant is based on party B rather than on party A. However, such an argument is not correct nor makes sense in light of applicant's specification and a fair reading of the Gallant reference.

In the present application, it is clear that it is party B's custom calling features that are disabled (see paragraphs 0021, 0023 and 0025). The same is true in Gallant. Obviously, the profile of party B in both the present application and Gallant are invoked. In the present application, one would have to know whether party B has a calling feature, through party B's profile, which can be blocked. That is, one cannot nor would not waste resources blocking a calling feature that one (party B) does not subscribe. The user profile table 610 and the screening table 620 in Fig. 6, make it clear that the disabling of party B's custom calling features are based on the first caller, party A. If not based on party A, who? Party B? What sense would that make? In addition, note that the privileges of party A is verified and the system performs any calling features provisioned for party A and party B (paragraph 0058).

It is clear that Gallant discloses a custom calling feature disablement for restricted calls based on a first user through a look-up table as presented in the instant specification and claims.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



William J. Deane, Jr.

Conferees:



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